

HOUSING AUTHORITY of the County of Los Angeles

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Gloria Molina Mark Ridley-Thomas Zev Yaroslavsky Don Knabe Michael D. Antonovich Commissioners

Sean Rogan Executive Director

August 4, 2009

Honorable Board of Commissioners
Housing Authority of the
County of Los Angeles
383 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, California 90012

ADOPTED

BOARD OF COMMISSIONERS HOUSING AUTHORITY

1-H

AUGUST 4, 2009

SACHI A. HAMAI EXECUTIVE OFFICER

Dear Commissioners:

ADOPT RESOLUTION REGARDING SECTION 8 HOUSING CHOICE VOUCHER PROGRAM APPLICANT SCREENING CRITERIA AND PARTICIPANT TERMINATION POLICY (ALL DISTRICTS) (3 VOTE)

SUBJECT

This letter recommends approval of a resolution certifying that the Housing Authority of the County of Los Angeles (Housing Authority) will take various actions to deter criminal activity in the Section 8 Housing Choice Voucher Program.

IT IS RECOMMENDED THAT YOUR BOARD:

- 1. Adopt and instruct the Chairman to sign a resolution regarding Housing Authority policies to deter criminal activity in the Section 8 Housing Choice Voucher Program.
- 2. Find that adoption of the resolution is not subject to the California Environmental Quality Act (CEQA) because the action is not defined as a project under CEQA.

PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION

The resolution attached to this letter details various administrative actions taken by the Housing Authority to reduce criminal activity in the Section 8 Housing Choice Voucher Program. The Housing Authority will also continue to comply with the Violence Against Women and Department of Justice Reauthorization Act of 2005, which protects victims of domestic violence, dating violence, and stalking from discrimination. The policies and activities detailed in the resolution are currently being employed by the Housing



Honorable Board of Commissioners August 4, 2009 Page 2

Authority, and were approved by your Board on March 24, 2009 as part of the Housing Authority's annual Administrative Plan.

FISCAL IMPACT/FINANCING

There is no fiscal impact associated with adoption of the resolution.

FACTS AND PROVISIONS/LEGAL REQUIREMENTS

Federal regulations provide that the Housing Authority may deny admission to Section 8 applicants or terminate program assistance if any applicants/participants or their guests, or invitees engage in certain criminal activity, including fraud, bribery, drug-related, or violent crimes.

County Counsel has approved the attached resolution as to form. On July 22, 2009, the Housing Commission recommended adoption of the resolution.

ENVIRONMENTAL DOCUMENTATION

Adoption of the resolution is exempt from the provisions of the National Environmental Policy Act pursuant to 24 Code of Federal Regulations § 58.34 (a)(3) because it involves administrative activities that will not have a physical impact on or result in any physical changes to the environment. The activity is not subject to the provisions of CEQA pursuant to State CEQA Guidelines 15060(c)(3) and 15378 because it is not defined as a project under CEQA and does not have the potential for causing a significant effect on the environment.

IMPACT ON CURRENT PROGRAM

The Housing Authority's policies regarding criminal activity in the Section 8 program help to ensure a safe and secure environment for resident families.

Respectfully submitted,

SEAN ROGAN/ Executive Director

cc: Chief Executive Officer
Acting County Counsel

Executive Officer, Board of Supervisors

Attachment

RESOLUTION OF THE BOARD OF COMMISSIONERS REGARDING SECTION 8 HOUSING CHOICE VOUCHER APPLICANT SCREENING CRITERIA AND PARTICIPANT TERMINATION POLICY IN COMPLIANCE WITH THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT REGULATIONS

WHEREAS, the Housing Authority of the County of Los Angeles ("Housing Authority") administers the Section 8 Housing Choice Voucher ("Section 8") Program to provide housing for low-income residents of the County of Los Angeles, using funds provided by the U.S. Department of Housing and Urban Development ("HUD"); and

WHEREAS, administration of this housing program includes screening applicants, tracking criminal activity, cooperation with local law enforcement, and tenant counseling; and

WHEREAS, on March 24, 2009 the Board of Commissioners approved and adopted a policy of zero tolerance for drug-related criminal activity or violent criminal activity by Section 8 program participants, their family members or guest or invitee; and

NOW, THEREFORE, the Board of Commissioners of the Housing Authority hereby determines and resolves as follows:

- The Housing Authority shall continue existing agreements with local law enforcement agencies to provide supplement law enforcement and engage in an exchange of information relating to Housing Authority Section 8 residents as authorized by law.
- 2. The Housing Authority shall continue to enforce the Administrative Plan which provides that Section 8 applicants may be denied admission as follows:
 - a. The Section 8 applicant was previously evicted from federally assisted housing for drug related criminal activity. The Housing Authority is required to deny admission to the applicant or any household member evicted from public housing, Indian housing, Section 23, or any federally assisted housing program because of a drug-related criminal activity for a 3-year period beginning on the date of such eviction. However, the Housing Authority may waive the 3-year probation period if the person who committed the drug-related crime has successfully completed an approved supervised drug rehabilitation program after the date of the eviction or if the circumstances leading to program after the date of the eviction or if the circumstances leading to the eviction no longer exist (i.e. the individual responsible for the original eviction is imprisoned or is deceased).
 - b. The Section 8 applicant is convicted for the manufacture of methamphetamine on the premises of federally assisted housing. The

Housing Authority is required to deny admission if the applicant or any household member has ever been convicted of drug-related criminal activity for manufacture or production of methamphetamine on the premises of federally assisted housing.

c. The Section 8 applicant is currently engaging in the illegal use of a drug. The Housing Authority is required to deny admission to an applicant or any household member who the Housing Authority determines is currently engaging in illegal use of a drug.

The Housing Authority is required to deny admission if the Housing Authority has reasonable cause to believe that there is a pattern of illegal use of a drug by the applicant or any household member and that this pattern may threaten the health, safety, or right to peaceful enjoyment of the premises by others, regardless of whether the household member has been arrested or convicted.

The Housing Authority may approve admission if the person provides sufficient evidence that they are no longer engaging in illegal drug use and have successfully completed a supervised drug rehabilitation program.

- d. The Section 8 applicant is subject to a lifetime sex offender registration requirement. The Housing Authority is required to deny admission if the applicant or any household member is subject to lifetime registration as a sex offender under a state registration program, regardless of longevity of conviction or completion of any rehabilitative program.
- e. The Section 8 applicant has a pattern of alcohol abuse.

The Housing Authority is required to deny admission if the Housing Authority has reasonable cause to believe that there is a pattern of abuse of alcohol by the applicant or any household member and this pattern may threaten the health, safety, or peaceful enjoyment of the premises.

The Housing Authority may approve admission if the person provides sufficient evidence that they are no longer engaging in the abuse of alcohol and has successfully completed a supervised alcohol rehabilitation program.

f. The Section 8 applicant currently engages in or who have has engaged in criminal activities. The Housing Authority shall deny admission if the applicant or any household member has been convicted for any of the following activities, for a period of 3 years following the end of a conviction or incarceration (which ever is later), with no further arrest or convictions other than minor traffic violations:

- Drug-related criminal activity;
- Violent criminal activity (convicted perpetrators only);
- Other criminal activity which may threaten the health, safety, or right to peaceful enjoyment of the premises by other residents or persons residing in the immediate vicinity; and
- Other criminal activity which may threaten the health or safety of the owner or Housing Authority staff, contractor or subcontractors or vendors.

The Housing Authority may waive the 3-year period for drug-related criminal activity if the person provides sufficient evidence that they are no longer engaging in the illegal use of a controlled substance and have successfully completed a supervised drug rehabilitation program.

- g. The Section 8 applicant engages in fraud or bribery associated with any federal housing program. The Housing Authority shall deny admission if the applicant or any household member has committed fraud, bribery, or any other corrupt or criminal act in connection with any Federal housing program. The Housing Authority may make an exception in determining admission if the family member(s) who participated or were culpable for the action do not reside in the assisted unit.
- h. The Section 8 applicant has not completed parole or probation. The Housing Authority shall deny admission if the applicant or any household member has not completed parole or probation, including summary probation.
- 3. The Housing Authority shall continue to enforce the Administrative Plan which provides that Section 8 participants may be terminated as follows:
 - a. Any member of the family has ever engaged in serious lease violations while a resident of federally assisted housing or within the past 5 years has been evicted from a federally assisted housing program.
 - Any family member, their guest or invitee engages in drug-related or violent criminal activity.
 - c. The family has engaged in or threatened abusive or violent behavior toward Housing Authority personnel.
- 4. The Housing Authority shall continue to comply with the Violence Against Women and Department of Justice Reauthorization Act of 2005, which protects victims of domestic violence, dating violence, and stalking from discrimination.

HOUSING AUTHORITY OF THE COUNTY LOS ANGELES	
By Chairman, Board of Commissioners	
OF LOS AND	

By a Chelle Smitherman Deputy

APPROVED AS TO FORM: ROBERT KALUNIAN County Counsel

Executive Officer/Clerk of The Board of Commissioners

By _______Deputy

ATTEST:

SACHI HAMAI

CLERK OF THE BOARD OF SUPERVISORS

ATTEST: SACHI A. HAMAI

By a Chelle Smitherna, Deputy

APPROVED BY BOARD ACTION ON August 4, 2009

